

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

675291
PHELAN HALLINAN DIAMOND & JONES, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
856-813-5500
Attorneys for FEDERAL NATIONAL MORTGAGE
ASSOCIATION ("FANNIE MAE")

In Re:

ANGEL L. MERCANO, JR
JENNIFER R. MERCANO



**Order Filed on July 13, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey**

Case No: 14-32480 - ABA

Hearing Date: June 20, 2017

Judge: Andrew B. Altenburg, Jr

Recommended Local Form:

☐

Followed


☒

Modified

**REVISED ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH
CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: July 13, 2017



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

Applicant: FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: VICTOR DRUZIAKO, Esquire
Property Involved ("Collateral"): 1134 MAPLE AVENUE, VINELAND, NJ 08360-3360

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 9 months, from 10/01/2016 to 06/01/2017

☒ The Debtor is overdue for 9 payments at \$1,281.75 per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense balance in the amount of \$359.25.

Total Arrearages Due \$11,176.50.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$_____. Payment shall be made no later than _____.

☒ Beginning on 07/01/2017, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☒ The amount of \$11,176.50 shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is to be modified accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

SETERUS, INC

14523 S.W. MILLIKAN WAY

SUITE 200

BEAVERTON, OR 97005

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This revised agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$350.00, and costs of \$181.00.

The fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Revised Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Angel L. Mercano, Jr.
Jennifer R. Mercano
Debtors

Case No. 14-32480-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 13, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 15, 2017.
db/jdb +Angel L. Mercano, Jr., Jennifer R. Mercano, 1134 Maple Ave., Vineland, NJ 08360-3360

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 15, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 13, 2017 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor SETERUS, INC. AS THE AUTHORIZED SUBSERVICER FOR
FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE), CREDITOR C/O SETERUS, INC.
nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Toyota Motor Credit Corporation as servicer for
Toyota Lease Trust nj_ecf_notices@buckleymadole.com
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
James Patrick Shay on behalf of Creditor FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"),
james.shay@phelanhallinan.com
Jane L. McDonald on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Michael Frederick Dingerdisen on behalf of Creditor SETERUS, INC. nj.bkecf@fedphe.com
Michael Frederick Dingerdisen on behalf of Creditor FEDERAL NATIONAL MORTGAGE ASSOCIATION
("FANNIE MAE"), nj.bkecf@fedphe.com
Raymond H. Shockley, Jr. on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Victor Druziako on behalf of Debtor Angel L. Mercano, Jr. bkdruziako@aol.com
Victor Druziako on behalf of Joint Debtor Jennifer R. Mercano bkdruziako@aol.com
TOTAL: 11